

exterior boundaries and which hence would be subject to exclusive state jurisdiction but for the existence of a United States reservation. In accomplishing these purposes, it is apparent that the statute instead of fixing by its own terms the punishment for crimes committed on such reservations which were not previously provided for by a law of the United States adopted and wrote in the state law, with the single difference that the offense, although punished as an offense against the United States, was nevertheless punishable only in the way and to the extent that it would have been punishable if the territory embraced by the reservation remain subject to the jurisdiction of the state.”<sup>3</sup>

**69. Assimilative Crimes Act discussed.**—The act of 1825, although salutary in its effect, was soon found to be inadequate. It was applicable only to lands which had been “ceded” to the United States prior to its passage. Nor did it apply to State laws enacted after its passage.<sup>4</sup> To meet the situation, Congress has from time to time reenacted the statute, with modifications, to bring into force State laws which were passed since the latest Federal statute became effective.<sup>5</sup> The current statute on the subject was enacted on June 6, 1940,<sup>6</sup> and reads as follows:

Whoever, within the territorial limits of any State, organized Territory, or district, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U. S. C., Title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory or district in which such place is situated, by the laws thereof in force on February 1, 1940, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.

At the time of the enactment of the above act, the third paragraph of Section 272, Criminal Code (U. S. C., 1940 Edition, Title 18, Sec. 451), read as follows:

When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Subsequently, however, by act of Congress approved June 11, 1940,<sup>7</sup> that paragraph was amended and made applicable to lands “under the exclusive or *concurrent* jurisdiction” of the United States.

<sup>3</sup> *United States v. Press Publishing Co.*, 219 U. S. 1, 31 S. Ct. 212.

<sup>4</sup> *United States v. Paul*, 6 Pet. 141; *United States v. Franklin*, 216 U. S. 559, 30 S. Ct. 434; *United States v. Press Publishing Co.*, 219 U. S. 1, 31 S. Ct. 212.

<sup>5</sup> Acts of Congress approved March 3, 1825 (4 Stat. 115); April 5, 1866 (14 Stat. 13), July 7, 1898 (30 Stat. 717), March 4, 1909 (35 Stat. 1145), June 5, 1933 (48 Stat. 152), June 20, 1935 (49 Stat. 394), June 6, 1940 (54 Stat. 234).

<sup>6</sup> 54 Stat. 234; U. S. Code, Title 18, Sec. 468 (Criminal Code, Sec. 289).

<sup>7</sup> 54 Stat. 304, U. S. Code (1940), Title 18, Sec. 451, Criminal Code, Sec. 272.